

2008 Climate Action Team Recommendations

Addressing Climate Change through the State Environmental Policy Act (SEPA)

Strategies to reduce global warming pollution that will create jobs, stimulate the economy, and reduce our dependence on foreign oil

Overview

The State Environmental Policy Act (SEPA) provides a way to identify possible environmental impacts, including the effects of greenhouse gas (GHG) emissions that may result from governmental decisions. These decisions may be related to issuing permits for private projects; constructing public facilities; or adopting rules, policies, or plans.

Information provided during the SEPA review process helps agencies, applicants, and the public understand how a proposal will affect the environment. This information can be used to change a proposal to reduce likely impacts or to deny or place conditions on a proposal when adverse environmental impacts are identified.

The growing concern about GHG emissions and the recognition of their significant adverse impacts on the climate and the environment have placed a new focus on the SEPA review and decision-making process.

In Washington State, many public agencies – along with businesses and community groups – are facing pressure to identify and address potential effects of GHG emissions from proposed actions and projects. These entities are seeking clear, consistent, and predictable ways to include climate change in the SEPA process and avoid future court challenges.

Summary of recommendations

The Climate Action Team's SEPA Implementation Working Group was formed to provide guidance for considering climate change in public decision making. The recommendations focus on how state agencies, local governments, and the private sector should analyze, disclose, and mitigate (lessen) GHG emissions and the effects of climate change on actions under SEPA. The recommendations also describe ways to use SEPA to provide incentives for "climate friendly" plans, policies, and projects.

GHG Emissions measurement and disclosure

Methods for measuring GHG emissions are rapidly evolving, and measurement tools are proliferating. To provide clear direction to public agencies and project sponsors Ecology needs to:

- Revise the SEPA Environmental Checklist to include climate change factors.
- Provide guidance on measuring GHG emissions from projects and non-project actions.

- Work with other state and local agencies, SEPA project sponsors, and the public to develop and update easy-to-use tools to measure GHG emissions.
- Provide guidance to project sponsors and public agencies on how to use qualitative analyses of GHG emissions when quantitative tools are not appropriate for some types of proposals.

Develop approach to threshold determination

The *threshold of significance* is a standard or set of criteria a SEPA lead agency uses to determine if the environmental effects of particular project are significant enough to require preparation of an Environmental Impact Statement (EIS) under SEPA. If the proposed action exceeds the significance threshold, the SEPA project sponsor can offer voluntary mitigation to reduce the emissions below the threshold to avoid the need for an EIS. Ecology needs to develop an approach to threshold determination under SEPA based on the following points:

- All lead agencies should adopt a significance standard.
- A statewide standard of significance should be created for lead agencies that lack their own standard.
- Lead agencies should have the option to set their own standards, subject to minimum requirements set in guidance, rule, or statute.
- Project sponsors should have options for obtaining a Determination of Non-Significance (DNS) for climate impacts.
- Significance standards should be linked to the statewide requirements for GHG emission reduction.

Guidance on mitigation

A state or local agency with authority over a proposal can require actions to mitigate adverse environmental impacts. To support the required mitigation, the agency must have “substantive SEPA” policies in place and identify them in its review. Mitigation is voluntary at the threshold determination stage. At the point of final decisions on proposals, agencies have the power to require mitigation but are not required to do so under SEPA. Ecology should assist public agencies and project sponsors by:

- Defining criteria or methods for measuring the effectiveness of existing and “newly” identified mitigation strategies (for example, how many tons are mitigated).
- Providing information on costs and savings from each strategy, if and when available.

Conceptual ideas for leveraging SEPA

The SEPA IWG also examined how SEPA might be used to provide incentives to promote climate friendly development. The SEPA IWG developed the following four recommendations for future work related to this “leveraging of SEPA” to reduce GHG emissions:

- **Neighborhood and District-Level Exemptions.** This “exemption” would be for certain areas within an urban growth area (UGA), where property owners agree to comply with minimum standards for sustainable development set in statute.
- **Upfront SEPA.** This idea would allow the use of programmatic SEPA review and adoption of rules that address and mitigate impacts of climate change. The Land Use Climate Change Advisory Committee has a similar recommendation.
- **Voluntary Mitigation List and “Green List” Projects.** Under this idea, projects that include mitigation measures contained on a “green list” can be fully or partially exempt from further GHG reduction requirements.
- **Regional Planning.** This idea involves adoption of a statewide EIS for a regional or statewide Climate Change Plan, which could then be adopted into local plan-level EISs.

Future vulnerabilities in the environmental checklist

Ecology needs to take the following actions:

- Revise the SEPA Environmental Checklist to include analysis of how predicted changes in the existing environment due to climate change, combined with proposed actions, may create additional impacts on the natural and built environment.
- Provide guidance on how to conduct the analysis outlined above. The required analysis should be based on readily available tools and resources and not require project sponsors to conduct new studies.

More information

Washington’s Climate Change Web site
www.ecy.wa.gov/climatechange/index.htm

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